



बिहार गजट

असाधारण अंक

बिहार सरकार द्वारा प्रकाशित

7 आषाढ़ 1933 (श०)
(सं० पटना 301) पटना, मंगलवार, 28 जून 2011

निर्वाचन विभाग

अधिसूचना

13 जून 2011

सं० डी1-0021/2011-35— भारत निर्वाचन आयोग, नई दिल्ली की अधिसूचना संख्या 82/बिहार/(1/2006)/2011 दिनांक 2 मई 2011 की अंग्रेजी व हिन्दी प्रति एवं निर्वाचन अर्जी संख्या 01/2006 में दिनांक 5 जनवरी 2011 को माननीय उच्च न्यायालय, पटना द्वारा पारित आदेश/निर्णय को सर्वसाधारण की जानकारी के लिए प्रकाशित किया जाता है।

बिहार—राज्यपाल के आदेश से,
आर० कौ० प्रसाद,
विशेष कार्य पदाधिकारी
—सह—उप मुख्य निर्वाचन पदाधिकारी, बिहार
—सह—सरकार के उप—सचिव।

भारत निर्वाचन आयोग

अधिसूचना

निर्वाचन सदन, अशोक रोड, नई दिल्ली-110001, तारीख 2 मई, 2011/12 वैशाख, 1933 (शक)

सं0 82/बिहार/(1/2006)/2011—लोक प्रतिनिधित्व अधिनियम, 1951 (1951 का 43) की धारा 106 के अनुसरण में, निर्वाचन आयोग एतद्वारा निर्वाचन अर्जी सं0 1/2006 में दिये गये उच्च न्यायालय, पटना के तारीख 5 जनवरी, 2011 के आदेश को प्रकाशित करता है।

आदेश से,
के0 अजय कुमार,
सचिव, भारत निर्वाचन आयोग।

ELECTION COMMISSION OF INDIA

NOTIFICATION

Nirvachan Sadan, Ashoka Road, New Delhi-110001, Dated 2nd May 2011/12 Vaisakha, 1933(Saka)

No.82/BR(1/2006)/2011—In pursuance of Section 106 of the Representation of the People Act, 1951 (43 of 1951), the Election Commission hereby published Order dated the 5th January, 2011 of the High Court of Judicature at Patna in Election Petition No. 1 of 2006.

By Order,
K. AJAY KUMAR,
Secretary, Election Commission of India.

IN THE HIGH COURT OF JUDICATURE AT PATNA

E.P. No. 1 of 2006

VIJAY KUMAR SINHA

Versus

FULENA SINGH & ORS.

129/ 05/01/2011

The allegations in this election petition related to double voting only questioning the winning of the respondent on that factual ground. The election petition did not raise any allegations of corrupt practice.

Whether double voting took place or not was primarily a question of pure fact. Now that the fresh election to the Assembly have been held, the issue becomes academic and the election petition infructuous.

It may only be noticed that both the parties to the election petition contested the recent Assembly Elections. The fact that the petitioner may have won the recent Assembly Elections and the respondent may have lost, shall not enthuse fresh life to the present election petition.

The Courts do not decide academic issues unless they raise far more important and general questions of law which may keep re-surfacing in cases frequently, more than one. It has already been noticed that the controversy here was purely factual between the two parties. The Assembly having been dissolved and fresh constitution having been done, the election petition is held to be infructuous.

It is accordingly disposed off.

NAVIN SINHA, J.

अधीक्षक, सचिवालय मुद्रणालय,

बिहार, पटना द्वारा प्रकाशित एवं मुद्रित।

बिहार गजट (असाधारण) 301-571+100-टी0टी0पी0।

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